IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 241 of 2005(S/S)

1. Jai Lal Dobhal S/o Shri Amba Dutt
   Gram Purtad
   Post Office Darmigad
   Patty Bawar
   Tehsil Tiuni
   District Dehradun
2. Vimlesh Chamoli
   S/o Shri C.M. Chamoli
   Gram Kandoli
   Post Office Delchauri
   Patty Rawatsyun
   District Pauri Garhwal
3. Sanjay Kumar
   S/o Shri Puran Singh
   Village Dhakrani
   Post Office Herbertpur
   District Dehradun
4. Diwakar Bahuguna
   S/o Shri H.P. Bahuguna
   Village & Post Office Gorawala
   Via-Sahaspur
   District Dehradun
5. Ashok Sahni S/o Shri Raghuvir Singh
   D/28 Officers Colony
   Race Course
   District Dehradun
6. Deepak Bhandari
   S/o Late Indra Singh Bhandari
   R/o C-85/A Nehru Colony
   District Dehradun
7. Manoj Kumar S/o Shri Durga Prasad
   Village Miyawala
   District Dehradun
8. Chattan Singh S/o Shri Nain Singh Tomar
   Village Dunuwa
   Post Office Maletha
   Via Sahiya (Chakrata)
   District Dehradun
9. Veer Singh Bisht
   S/o Shri Kripal Singh Bisht
   Village Bhaiskoti
   District Tehri Garhwal …Petitioners

Versus

1. State of Uttaranchal through
   Secretary (Finance & Revenue)
   Dehradun
2. District Magistrate
   Dehradun
3. Additional District Magistrate
   (Finance & Revenue)
   Dehradun …. Respondents

Sri Seema Sirohi learned counsel for the petitioners
Sri Paresh Tripathi, learned counsel for the respondents

Hon'ble B.C. Kandpal, J.

By means of this petition, the petitioners have prayed for issuing a writ of mandamus for commanding the respondents No. 2 and 3 to consider the appointment of the petitioners as regular collection amin and to regularize their services. They have also prayed that the respondents No. 2 and 3 be directed to allow the petitioners to continue on their post without giving them artificial break till their case for appointment as regular collection amin is considered and the petitioners are regularized.

Brief facts giving rise to this petition are that the petitioners are working as seasonal collection amin for several years and they are continuously working except some artificial break.

The petitioners have also averred as they have worked as seasonal collection amin for last several years hence they are entitled for appointment on the post of regular collection amin under 35% quota to be filled up from amongst seasonal collection amin under rule 5 of the Collection Amins Services Rules, 1974.

The respondents have filed the counter affidavit and in paragraph 12 of the counter affidavit it has been pleaded that for regularization of seasonal collection amins, Collections Amins Services Rules, 1992 are applicable and according to the same only 35% quota of available post is fixed for regularization of seasonal collection amin. It has further been pleaded in the counter affidavit in District Dehradun that 35% reservation quota is already filled up.

Heard learned counsel for the petitioners as well as learned standing counsel and perused the record.

In case, if this fact is correct that the petitioners are entitled to be considered for being appointed as a regular seasonal collection amins/peons under 35% of quota to be filled from amongst the seasonal collection amin/peon who have worked for more than four faslis then the respondents are directed to consider the case of the petitioners for appointment as regular collection amin/peon against 35% quota to be filled from the amongst the seasonal collection amin/peon, in case the vacancies exist.

However, the respondents are also directed to permit the petitioners to work on the post of seasonal collection amin/peon without giving artificial break till their case for appointment as regular collection amin/peon is considered/

With these observations the writ petition is disposed of finally.

(B.C. Kandpal, J.)

09.06.2005

ASWAL